

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Account of Alfred Aftergut

Claim Number: 501840/DE

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Alfred Aftergut (the “Account Owner”) at the Zurich main branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal uncle Alfred Aftergut, who was born on 9 January 1887 in Lodz, Poland and was married to the Claimant’s aunt, [REDACTED], who was born on 20 August 1886. The Claimant stated that his aunt and uncle, who were Jewish, resided in Berlin, Germany in the 1930s and then moved to Warsaw, Poland. According to the Claimant, his uncle worked as a merchant and may have also been qualified as an engineer. The Claimant indicated that his uncle’s parents were named [REDACTED] and [REDACTED], that his uncle had a brother named [REDACTED], and that his aunt and uncle had no children. The Claimant further stated that his aunt and uncle both perished in the Holocaust.

In support of his claim, the Claimant provided copies of several Yad Vashem pages of testimony from the Yad Vashem Memorial of Israel for [REDACTED] and Alfred Aftergut, which were submitted by the Claimant in 1975, and by two other family members in 1956 and 1975. These pages of testimony indicate that Alfred Aftergut was born in Lodz and was the son of [REDACTED] and [REDACTED]. According to these documents, Alfred Aftergut was married to [REDACTED], née [REDACTED]; they resided in Berlin until the Second World War, and both perished in the Warsaw Ghetto in April 1943. In the pages of testimony submitted by the Claimant, the Claimant indicated that he was the nephew of Alfred and [REDACTED].

The Claimant indicated that he was born on 12 March 1923 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of a customer card granting disposition rights over the account, a customer card, and printouts from the Bank's database. According to these records, the Account Owner was Alfred Aftergut of Pragerstrasse 16, Berlin. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 15006, and *Frau* (Mrs.) [REDACTED] was granted disposition rights ("*unbeschränkte Verfügungsrecht*") over this account on 12 April 1924. The card granting disposition rights includes signature samples for both Alfred Aftergut and [REDACTED]. The records further indicate that this account was transferred to a suspense account on 8 December 1937, and to a pooled account of missing account owners on 14 May 1941. The printouts from the Bank's yearbook database indicate that the account held 25.50 Swiss Francs ("SF") on unspecified dates between the years 1932 and 1936.

The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified [REDACTED], which matches unpublished information about the party granted disposition rights, contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes pages of testimony, one submitted by the Claimant in 1975 and two others submitted by the Claimant's relatives in 1956 and 1975, which indicate that Alfred Aftergut was born in Lodz, was married to [REDACTED], and resided in Berlin, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Alfred Aftergut appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different city of residence than the city of residence of the Account Owner, and because that claimant did not identify the person holding disposition rights over the account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he and his wife perished in the Holocaust. The Claimant also submitted pages of testimony indicating that Alfred Aftergut and his wife [REDACTED] were deported to the Warsaw Ghetto, where they perished. As noted above, persons named Alfred Aftergut and [REDACTED] were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal uncle. These documents include the Yad Vashem page of testimony submitted by the Claimant regarding Alfred Aftergut, indicating that the Claimant was the nephew of that family member. The CRT notes that the Claimant may have other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimant identified unpublished information about the person holding disposition rights over the account, as contained in the Bank's records, and that the Claimant also identified information which matches information contained in the Yad Vashem records submitted by the Claimant in 1975 and by other relatives in 1956 and 1975.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his paternal uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account between the years 1932 and 1936 was SF 25.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 26,750.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
13 February 2009